

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN TREMATORE PLUMBING &
HEATING, INC.,

Plaintiff,

v.

WALSH CONSTRUCTION GROUP, LLC,
ET AL.,

Defendants.

No. 19-CV-9764 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

For the reasons stated on the record during the Court's February 14, 2024 hearing, Defendants' Motion for Summary Judgment is denied in part and granted in part. It is denied with respect to Defendants' first counterclaim for breach of contract for defective and incomplete work and their fourth counterclaim for breach of contract for failure to furnish the plumbing supplies. Defendants' Motion is further denied regarding Plaintiff's breach of contract claim with regard to the Subcontract balance. Defendants' Motion is, however, granted concerning Plaintiff's breach of contract claim as to the Change Order Requests. Moreover, the Court denies Defendants' Motion as to Plaintiff's third claim for quantum meruit and fourth claim for cardinal change. In addition, Plaintiff's Motion for Summary Judgment regarding Defendants' sixth counterclaim for violation of Lien Law Article 3-A is denied. Finally, Defendants' motion to strike Plaintiff's jury demand is granted.

The Clerk of the Court is respectfully requested to terminate the pending motions at Dkt. Nos. 81 and 82. The Court will hold a telephonic status conference on March 5, 2024, at 2:00PM.

SO ORDERED.

Dated: February 14, 2024
White Plains, New York



KENNETH M. KARAS
United States District Judge